

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

STATE OF MAINE
115TH LEGISLATURE

SECOND REGULAR SESSION

BILL SUMMARIES
JOINT STANDING COMMITTEE
ON
JUDICIARY

MAY 1992

Staff:

*Margaret J. Reinsch, Legislative Analyst
Deborah C. Friedman, Legislative Analyst
Julie S. Jones, Principal Analyst*

*Office of Policy and Legal Analysis
Room 101, State House Station 13
Augusta, ME 04333
(207)287-1670*

MEMBERS:

**Sen. N. Paul Gauvreau
Sen. Georgette B. Berube
Sen. Muriel D. Holloway*

**Rep. Patrick E. Paradis
Rep. Constance D. Cote
Rep. Patricia M. Stevens
Rep. Cushman D. Anthony
Rep. Susan Farnsworth
Rep. Mary R. Cathcart
Rep. Andrew Ketterer
Rep. Dana C. Hanley
Rep. John H. Richards
Rep. David N. Ott*

**Denotes Chair*

IARTHA E. FREEMAN, DIRECTOR
WILLIAM T. GLIDDEN, JR., PRINCIPAL ANALYST
ULIE S. JONES, PRINCIPAL ANALYST
DAVID C. ELLIOTT, PRINCIPAL ANALYST
DON CLARK
YAN M. DYTTER
BRO FLATEBO
EBORAH C. FRIEDMAN
MICHAEL D. HIGGINS
KANE ORBETON



KAREN L. HRUBY
JILL IPPOLITI
JOHN B. KNOX
PATRICK NORTON
MARGARET J. REINSCH
PAUL J. SAUCIER
HAVEN WHITESIDE
MILA M. DWELLEY, RES. ASST.
ROY W. LENARDSON, RES. ASST.
BRET A. PRESTON, RES. ASST.

STATE OF MAINE
OFFICE OF POLICY AND LEGAL ANALYSIS
ROOM 101/107/135
STATE HOUSE STATION 13
AUGUSTA, MAINE 04333
TEL.: (207) 289-1670

**ONE HUNDRED AND FIFTEENTH LEGISLATURE
SECOND REGULAR SESSION**

**JOINT STANDING COMMITTEE
BILL SUMMARIES**

MAY 1992

This document is a compilation of the bill summaries prepared by this office for the Joint Standing Committees and Joint Select Committees of the Maine Legislature. The volume is organized alphabetically by committee; within each committee, the summaries are arranged by LD number. A subject index is provided at the beginning of each committee's summaries.

All adopted amendments are listed, by paper number (e.g., H-584 or S-222), together with the sponsor for floor amendments. Final action on each bill is listed to the far right of the title. Various types of final action are abbreviated as follows:

PUBLIC XXX	Chapter # of enacted Public Law
P&S XXX	Chapter # of enacted Private & Special Law
RESOLVE XXX	Chapter # of enacted Resolve
CON RES XXX	Chapter # of Constitutional Resolution passed by both Houses
EMERGENCY	Enacted law takes effect sooner than 90 days
CARRIED OVER	Bill carried over to Special Session
ONTP	Ought Not to Pass report accepted
LVWD	Leave to Withdraw report accepted
INDEF PP	Bill Indefinitely Postponed
FAILED EMERGENCY ENACTMENT	Emergency bill failed to get 2/3 vote
DIED BETWEEN BODIES	House and Senate disagree; bill died
CONF CMTE UNABLE TO AGREE	Committee of Conference formed but unable to agree
VETO SUSTAINED	Legislature filed to override Governor's Veto
UNSIGNED	Not signed by Governor within 10 days
DIED ON ADJOURNMENT	Action incomplete when session ended; bill died

These summaries were prepared by the analyst or analysts assigned to the committee. But, this document was produced by the efforts of all the office staff, including secretaries: Charlene Raymond and Valarie Parlin, especially Laurette Knox who coordinated preparation of the overall document.

If you have any suggestions or comments on these summaries, please let us know.

LD 2127

An Act to Provide a Private Remedy for Violation of the Lead Poisoning Control Act

UNSIGNED

SPONSOR(S)

SIMONDS

COMMITTEE REPORT

OTP-AM

MAJ

ONTP

MIN

AMENDMENTS ADOPTED

H-1066 MAJ REP

S-646 GAUVREAU

SUMMARY

The bill makes a violation of the Lead Poisoning Control Act a violation of the Maine Unfair Trade Practices Act.

Committee Amendment "A" (H-1066) – Majority Report: The amendment revises the bill to make a violation of the Lead Poisoning Control Act prima facie evidence that the Maine Unfair Trade Practices Act has been violated. Attorney's fees are awarded to a prevailing plaintiff in an unfair trade practices case.

Senate Amendment "A" to Committee Amendment "A" (S-646): The amendment limits lawsuits under the Unfair Trade Practices Act for Lead Poisoning Control Act violations to equitable relief. It does not change or affect current law as to a person's right to sue for damages.

LD 2138

An Act to Update and Revise the Exemptions under the Maine Bankruptcy Code

PUBLIC 741

SPONSOR(S)

CLARK N

FARNSWORTH

HASTINGS

MARSANO

COMMITTEE REPORT

OTP-AM

AMENDMENTS ADOPTED

S-605

SUMMARY

The bill updates and revises the language describing personal exemptions of the Maine Bankruptcy Code and attachment proceedings.

Committee Amendment "A" (S-605): The amendment revises the exemptions available to a debtor that apply to bankruptcy proceedings as well as all attachment and execution proceedings.

1. The amendment increases the current exemption for the debtor's aggregate interest in real or personal property used by the debtor as a residence from \$7,500 to \$12,500. If there are minor dependents whose principal residence is with the debtor, the debtor's aggregate interest up to \$25,000 is exempt. The amendment makes no change in the higher residence exemption for persons who are elderly or disabled.
2. The amendment retains the bill's increase of the exemption for a motor vehicle to \$2,500.
3. The amendment increases the exemption for jewelry from \$500 to \$750. The bill would have increased the exemption to \$1,000.
4. The amendment retains the bill's increase from \$1,000 to \$5,000 to exempt tools of the trade.
5. The amendment retains the personal injury award exemption increase from \$7,500 to \$12,500.
6. The amendment increases the amount of unused residence exemption that can be used to exempt additional interest in clothing, furniture, appliances, tools of the trade and personal injury awards.